

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 20 OCT 2005

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Applicant's or agent's file reference E057301-PLC		FOR FURTHER ACTION		See Form PCT/PEA418
International application No. PCT/EP2004/051464		International filing date (day/month/year) 12.07.2004		Priority date (day/month/year) 15.07.2003
International Patent Classification (IPC) or national classification and IPC E05B47/00, E05B63/08				
Applicant SERRATURE MERONI S.P.A. et al				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 17.12.2004		Date of completion of this report 21.10.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer PEREZ MENDEZ, J Telephone No. +31 70 340-		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/051464

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ International search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ International preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-12 as originally filed

Claims, Numbers

1-7 as originally filed

Drawings, Sheets

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-7
	No: Claims	1
Inventive step (IS)	Yes: Claims	2-5,7
	No: Claims	1,6
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

1. The following documents are referred to in this communication:

D1: DE 266 253 C (BERNHARD GRIESKAMP) 21 October 1913

D2: DE 199 51 621 A (WILKA SCHLIESTECHNIK GMBH) 3 May 2001

2. INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT for the following reasons:

In claim 1 the expressions "which can be mounted embedded on a jamb (C) of a moving frame (A) of a window and door frame" (cf. lines 2-5) and "which can be mounted embedded on a corresponding jamb (D) of a fixed frame (B) of the window and door frame" (cf. lines 6-8) refer to the **intended use** or to mounting features of the electric lock in the window or door. These features do not imply a clear delimitation of the subject matter of claim 1, since they do not define the electric lock in terms of its own technical features. Indeed, the "jamb (C)", the "moving frame (A) of the window or door", the "jamb (D)" and the "fixed frame (B) of the window or door" do not make part of the claimed subject matter of claim 1.

Thus the electric lock described in D1, which comprises all the technical features of independent claim 1, is considered a novelty destroying document for claim 1, since it could be also mounted "embedded" in a given door.

Indeed, document D1 (see page 1, line 25 - page 2, line 5; Figs. 1, 2) discloses (the references in parenthesis applying to this document):

an electric lock, of the type comprising a first case body (b) which has a first head wall, and a second case body (f) which has a second head wall, wherein the first body (b) carries a latchbolt (c) with an end beveled nose and elastic means (d) to cause the latchbolt (c) to return to a closing position of the lock, where the nose protrudes through an opening in the first head wall, wherein the second head wall has a selvage for the nose to be engaged therein in the closing position of the window and door frame (a) to lock the moving frame relative to fixed frame (e),

and wherein the second body (f) carries an electromechanical release device to controllably disengage the nose from the selvage, and whereby the electromechanical release device comprises:

- a loading bolt (p) elastically returned to a position where it protrudes from an opening of the second head wall, and suitable to be caused to retract within the second body (f) and be held at the retracted position under the thrust of the first head wall (see Fig. 1),
- a pusher (h) movable between a retracted position in the second body (f) and a forward position in the selvage to expel the nose from selvage and release the lock,
- elastic means (g) to repulse the pusher (h) to the forward position,
- an electromagnet (n) that can be excited to release the lock,
- an escapement system (i, k) associated to the electromagnet (n), suitable to hold the pusher (h) at the retracted position and to release the pusher (h) to allow it being moved to the forward position when the electromagnet (n) is excited, and
- a kinematic mechanism (r) [indirectly] interconnecting the loading bolt (p) and the escapement system (i, k) such that, when the loading bolt (p) is caused to retract in the second body (f) and the electromagnet (n) is deexcited, the pusher (h) is held at the retracted position of the escapement system (i, k), and when the electromagnet (n) is excited, the escapement system (i, k) releases the pusher (h) and the elastic means (g) are unloaded and move it to the forward position.

Consequently, the features of claim 1 are known from D1.

3. DEPENDENT CLAIM 6

Dependent claim 6 does not appear to contain any features which, in combination with the features of claim 1, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT). See especially D2 (Figs. 1-5).

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4. DEPENDENT CLAIMS 2-5, 7

The combination of the features of dependent claim 2 is neither known from, nor rendered obvious by, the available prior art.

Claims 3-5 and 7 are dependent on claim 2 and as such also meet the requirements of the PCT with respect to novelty and inventive step.